



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



ISMAEL AHMED
DIRECTOR

February 26, 2009

The Honorable Bill Hardiman, Chair
Senate Appropriations Subcommittee on DHS
Michigan State Senate
Lansing, Michigan 48933

The Honorable Dudley Spade, Chair
House Appropriations Subcommittee on DHS
Michigan House of Representatives
Lansing, Michigan 48933

Dear Senator Hardiman and Representative Spade:

Section 271 of 2008 Public Act 248 (Enrolled House Bill 5814) requires the Department of Human Services (DHS) to report on the progress of Child and Family Services Reviews (CFSR). The reviews, conducted in the state by the Children's Bureau of the United States Department of Health and Human Services, are intended to assess the DHS's compliance with the Adoption and Safe Families Act of 1997, Public Law 105-89, 111 Stat. 2115, with the ultimate goal of improving the state child welfare system and the safety, permanency, and child and family service outcomes to children and families.

If you have any questions about the attached material, please contact Mary Mehren, director, Federal Compliance Office at 241-7521.

Sincerely,

Ismael Ahmed

Attachments

cc: Senate and House Appropriations Subcommittee on DHS
Senate and House Fiscal Agencies
Senate and House Policy Offices
State Budget Director

2008 Public Act 248

Section 271: Child and Family Services Review

Sec. 271. The department shall provide a report to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the senate and house policy offices detailing the findings and progress related to all of the following:

(a) Changes made by the courts with respect to court forms and court rules to meet the requirements of the adoption and safe families act of 1997, Public Law 105-89, 111 Stat. 2115.

- The State Court Administrative Office (SCAO) staff has revised *the Petition (Child Protective Proceedings)* (jc04b).
- Michigan Court Rule (MCR) 3.903 was amended to identify the confidential information in the court file to include "information regarding the identity or location of a foster parent, pre-adoptive parent, or relative caregiver."
- MCR 3.920 was amended to require the court to maintain in the confidential social file the proof of service to the foster parent, pre-adoptive parent, or relative caregiver.

(b) Department policy changes within the areas of foster care, juvenile justice, and adoption to meet the statutory requirements of the adoption and safe families act of 1997, Public Law 105-89, 111 Stat. 2115.

Changes to the Children's Foster Care Manual include:

- Policy additions to:
 - The federal and state statutes regarding title IV-E compliance.
 - The requirement for the verification of citizenship or immigration status for all children entering foster care.
 - The requirements for court determinations in permanency planning hearings.
 - The requirements of Safe and Timely Interstate Act.
- Clarifications to:
 - Require the receipt of the DHS-719, Child Placing Agency Form (RFF 719) for initial funding determinations.
 - The definition of a case service plan to comply with federal laws and regulations and state statutes.
 - The offenses/crimes that prohibit a child's placement in a potential home.
 - The verification of citizenship or qualified alien status procedures to reflect the process required for all children entering foster care.
- Revision to:
 - The definition of Interstate Compact.
 - The criteria for youths who age out of foster care (FC). They are eligible for Foster Care Transitional Medicaid once the foster care case is closed. This applies to all youths who have aged out of FC regardless of when the FC case is closed. To be eligible, youths must meet the following criteria:
 - Be under 21 years of age;

- Live in an out-of-home placement under the responsibility of DHS, at the time of his/her 18th birthday; and
- Are not currently incarcerated.
- The following manual items are now available in the new Native American Affairs manual group:
 - Indian Outreach Services.
 - Native American Affairs.
 - Native American Bulletin.
 - Native American Glossary.
 - Native American Index.
 - Tribal Agreements.

Updates to the Children's Protective Services Manual include:

- The addition of the definitions of a medical practitioner and torture.
- Clarifications to:
 - The release of information and the central registry policy to note that any information released under the Adam Walsh Child Protection and Safety Act (PL 109-248) must not be used for any other purpose.
 - The procedures for a discretionary override.
 - When and how a CPS worker should make a referral to the Early On program.
 - The policy for handling complaints generated by the birth match process and when to add perpetrators to the birth match list.
 - The policy requiring supervisors approve all rejected complaints.
 - The criteria to assign a CPS complaint for investigation.
 - The policy on adding non-household members to a CPS complaint.
 - The policy for completing child death investigations.
 - The policy requiring the completion of a safety assessment and face-to-face contact with all alleged child victim(s) prior to:
 - Requesting approval for an extension of the 30-day standard of promptness.
 - Requesting reauthorization of a previously approved extension.
 - Disposing of an overdue investigation.
 - The administrative hearing procedures.
 - The responsibilities of the CPS worker if the worker becomes aware that the contracted service provider has not been able to meet the required number of contacts with the family.
 - The procedure for referrals to law enforcement and the prosecutor.
 - The inter-county complaint policy.
 - The process for adding a Bureau of Children and Adult Licensing perpetrators to central registry.
 - The CPS administrative hearing procedures.

Updates to the Juvenile Justice Manual include:

- The addition of the requirement of parental involvement in Juvenile Justice cases.

(c) A summary of the 7 systemic factors that determine this state's compliance with the adoption and safe families act of 1997, Public Law 105-89, 111 Stat. 2115.

The seven systemic factors that determine the state's compliance with the Adoption and Safe Families Act of 1997 are:

1. *Statewide Information System* that allows the department to manage child and family cases and report on the performance outcome data.
2. *Case Review System*, which is the court review and authorization of child welfare cases.
3. *Quality Assurance System* that reviews casework and recommends improvements in child welfare.
4. *Staff Training* program that ensures child welfare staff and supervisors are prepared to do their job effectively.
5. *Service Array*, which provides for the breadth of services available to children and families in order to meet the needs they have.
6. *Agency Responsiveness to the Community*, which examines the capacity of DHS and the community to partner effectively with stakeholders in the communities where families live.
7. *Foster and Adoptive Parent Recruitment, Licensing and Retention* – strategies to ensure that there are an adequate number of foster and adoptive homes available to meet the needs of the children.

(d) A summary of the 7 data outcome indicators used to determine this state's compliance with the adoption and safe families act of 1997, Public Law 105-89, 111 Stat. 2115, including the length of time required to achieve family reunification for foster care cases.

The seven data outcome indicators used to determine the state's compliance with the Adoption and Safe Families Act of 1997 are:

1. *Children are, first and foremost, protected from abuse and neglect.*
2. *Children are safely maintained in their own homes whenever possible and appropriate.*
3. *Children have permanency and stability in their living situations.*
4. *The continuity of family relationships and connections is preserved for children.*
5. *Families have enhanced capacity to provide for their children's needs.*
6. *Children receive appropriate services to meet their educational needs.*
7. *Children receive adequate services to meet their physical and mental health needs.*

The length of time required to achieve family reunification for foster care cases is measured as follows in the CFSR process: *Of children exiting foster care to reunification, what is the median number of months in foster care?*

Michigan's median length of stay was 13.6 months as of March 2008. The national median length of stay is 6.5 months

(e) Federal recommendations made to this state, including recommendations to the courts.

There have been no new federal recommendations made to the state or courts since our last report to the Legislature in 2008. Prior federal recommendations were implemented as part of Michigan's 2004-2006 Program Improvement Plan (PIP).

(f) Federal penalties assessed against this state for noncompliance.

After the round 1 review, the Department of Health and Human Services assessed a federal penalty of \$2.4 million dollars based on the state's CFSR review. That penalty was held in abeyance pending successful completion of a PIP and achievement of specified improvement targets on the data standards.

In November 2008, Michigan was assessed a penalty of approximately \$1,601,790 due to the failure to achieve the outcome data indicator in the area of Timeliness to Reunification. Michigan's current performance on the reunification item for the period March 31, 2007 through March 31, 2008 is 37.7%. Michigan will continue to be assessed this penalty at the rate of approximately \$70,000 per quarter until the goal of 42.5% has been obtained and maintained for two consecutive quarters.

(g) Status of the performance improvement plan submitted to the federal government.

The PIP was completed in May 2006. Michigan achieved its goals in every area except Timeliness to Reunification.